## REMARKS

In an Office Action mailed March 17, 2004, the Examiner has: (i) rejected claims 1, 18, 19, 20, and 21 under 35 U.S.C. §101 as claiming the same invention as claims 1, 21, 22, 27, and 30, respectively, of copending Application No. 10/017,821, (ii) rejected claims 1-42 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over either claims 1-32 of copending Application No. 10/012,545 or claims 1-47 of copending Application No. 10/017,821, and (iii) rejected claims 1-42 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending Application Nos. 10/012,333, 10/012,709, 10/012,704, 10/012,337, 10/012,546, 10/012,336 and 10/012,334.

In this response, claims 1-20 and 24 have been canceled. No amendendments have been made to claims 21-23 and 25-42, and no new claims have been added. Thus, claims 21-23 and 25-42 are pending. No new matter is added by entry of these amendments.

In the Specification

Applicants have amended paragraph **[0002]** to include the statement that the present application is a continuation-in-part of U.S. Patent Application No. 10/017,821, filed December 12, 2001, as reflected in the filing receipt mailed March 22, 2002, and in the updated filing receipt mailed May 17, 2002.

Turning now to the rejections of record, and the Applicants' response thereto:

Section 101 Statutory Type Double Patenting Rejections

The Examiner has rejected claims 1, 18, 19, 20, and 21 under 35 U.S.C. §101 as claiming the same invention as claims 1, 21, 22, 27, and 30, respectively, of copending Application No. 10/017,821. Claims 1, 18, 19, and 20 have been canceled, and thus Applicants submit that the Section 101 statutory type double patenting rejections of claims 1, 18, 19, 20, and 21 are overcome.

Additionally, Applicants note that claims 3 and 24 of the present application claim the same invention as claims 3 and 46 of copending Application No. 10/017,821, respectively, and thus claims 3 and 24 have been canceled.

Applicants submit, however, that claim 21 of the present application does not claim the same subject matter as claim 30 of copending Application No. 10/017,821. The difference is that step c) of claim 21 of the present application is directed to "...recovery of the selected higher diamondoid component or components from the thermally treated feedstock...," whereas step c) of claim 30 of copending Application No. 10/017,821 is directed to "...recovery of the selected higher diamondoid component or components from the pyrolytically treated feedstock...." Although pyrolysis is a thermal treatment, there may be thermal treatments that are not pyrolysis.

In view thereof, applicants respectfully request that the Section 101 statutory type double patenting rejection of claim 21 be withdrawn. Since claims 22-23 depend from claim 21, claims 22-23 are believed to be patentable as well.

Non-Statutory Obvious-Type Double Patenting Rejections

The Examiner has rejected claims 1-42 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending Application Nos. 10/012,545, 10/017,821, 10/012,333, 10/012,709, 10/012,704, 10/012,337, 10/012,546, 10/012,336 and 10/012,334.

Applicants believe that claims 1-42 are patentably distinct over the claims of the copending Application Nos. 10/012,545, 10/017,821, 10/012,333, 10/012,709, 10/012,704, 10/012,337, 10/012,546, 10/012,336 and 10/012,334. However, to facilitate allowance of the present application, applicants herewith submit terminal disclaimers over the 10/012,545, 10/017,821, 10/012,333, 10/012,709, 10/012,704, 10/012,337, 10/012,546, 10/012,336 and 10/012,334 applications under separate cover. The filing of a Terminal Disclaimer is not to be construed as an admission of the propriety of the rejection on obviousness-type double patenting. Quad

Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).

In view thereof, applicants respectfully request that the obviousness-type double patenting rejections of claims 1-42 be withdrawn.

Conclusions

In view of the foregoing, claims 21-23 and 25-42 are believed to be in condition for allowance. Favorable reconsideration and withdrawal of the Examiner's Section 101 statutory type double patenting rejection of claim 21, and withdrawal of the Examiner's non-statutory type obviousness-type double patenting rejections of claims 1-42 are therefore respectfully requested.

Respectfully submitted,
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